



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4138

Introduced 10/24/05, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

735 ILCS 5/21-101

from Ch. 110, par. 21-101

Amends the Code of Civil Procedure. Provides that a person who is convicted of identity theft, aggravated identity theft, misdemeanor criminal sexual abuse when the victim of the offense at the time of its commission is under 18 years of age, misdemeanor sexual exploitation of a child, misdemeanor indecent solicitation of a child, or misdemeanor indecent solicitation of an adult in this State or any other state who has not been pardoned shall not be permitted to file a petition for a name change in the courts of Illinois.

LRB094 14701 LCT 49668 b

1 AN ACT concerning name changes.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 21-101 as follows:

6 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

7 Sec. 21-101. Proceedings; parties. If any person who is a
8 resident of this State and has resided in this State for 6
9 months desires to change his or her name and to assume another
10 name by which to be afterwards called and known, the person may
11 file a petition in the circuit court of the county wherein he
12 or she resides praying for that relief. If it appears to the
13 court that the conditions hereinafter mentioned have been
14 complied with and that there is no reason why the prayer should
15 not be granted, the court, by an order to be entered of record,
16 may direct and provide that the name of that person be changed
17 in accordance with the prayer in the petition. The filing of a
18 petition in accordance with this Section shall be the sole and
19 exclusive means by which any person committed under the laws of
20 this State to a penal institution may change his or her name
21 and assume another name. However, any person convicted of a
22 ~~felony, misdemeanor criminal sexual abuse when the victim of~~
23 ~~the offense at the time of its commission is under 18 years of~~
24 ~~age, misdemeanor sexual exploitation of a child, misdemeanor~~
25 ~~indecent solicitation of a child, or misdemeanor indecent~~
26 ~~solicitation of an adult~~ in this State or any other state who
27 has not been pardoned may not file a petition for a name change
28 until 2 years have passed since completion and discharge from
29 his or her sentence. A person who has been convicted of
30 identity theft, aggravated identity theft, misdemeanor
31 criminal sexual abuse when the victim of the offense at the
32 time of its commission is under 18 years of age, misdemeanor

1 sexual exploitation of a child, misdemeanor indecent
2 solicitation of a child, or misdemeanor indecent solicitation
3 of an adult in this State or any other state who has not been
4 pardoned shall not be permitted to file a petition for a name
5 change in the courts of Illinois. A petitioner may include his
6 or her spouse and adult unmarried children, with their consent,
7 and his or her minor children where it appears to the court
8 that it is for their best interest, in the petition and prayer,
9 and the court's order shall then include the spouse and
10 children. Whenever any minor has resided in the family of any
11 person for the space of 3 years and has been recognized and
12 known as an adopted child in the family of that person, the
13 application herein provided for may be made by the person
14 having that minor in his or her family.

15 An order shall be entered as to a minor only if the court
16 finds by clear and convincing evidence that the change is
17 necessary to serve the best interest of the child. In
18 determining the best interest of a minor child under this
19 Section, the court shall consider all relevant factors,
20 including:

21 (1) The wishes of the child's parents and any person
22 acting as a parent who has physical custody of the child.

23 (2) The wishes of the child and the reasons for those
24 wishes. The court may interview the child in chambers to
25 ascertain the child's wishes with respect to the change of
26 name. Counsel shall be present at the interview unless
27 otherwise agreed upon by the parties. The court shall cause
28 a court reporter to be present who shall make a complete
29 record of the interview instantaneously to be part of the
30 record in the case.

31 (3) The interaction and interrelationship of the child
32 with his or her parents or persons acting as parents who
33 have physical custody of the child, step-parents,
34 siblings, step-siblings, or any other person who may
35 significantly affect the child's best interest.

36 (4) The child's adjustment to his or her home, school,

1 and community.

2 (Source: P.A. 88-25; 89-192, eff. 1-1-96; 89-462, eff.

3 5-29-96.)